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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Martin Barrera et al.) EXAMINER: C. Kim
))
SERIAL NO.: 09/675,860) ART UNIT: 3752
))
FILING DATE: September 29, 2000) DATE: March 1, 2002
))
FOR: Apparatus and Method of Effective Fluid
 Injection and Vaporization for Chemical
 Vapor Deposition Application

#8/Electr
3/22/02
W. Brewer

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MAR 15 2002

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action mailed February 1, 2002, and the restriction requirement made therein, applicants provisionally elect, with traverse, the subject matter of Group I, claims 1-21, drawn to an apparatus, for continued examination herein.

Applicants traverse the restriction requirement on the grounds that 35 USC § 121 authorizes restriction only when the claimed invention is "independent and distinct" (emphasis added). A search of the subject matter of Group I, claims 1-21, drawn to an apparatus, would necessarily require a search of the subject matter of Group II, claims 22-23, drawn to a method. Thus the apparatus delineated in Group I is not directed to an independent and distinct matter.

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Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

Respectfully submitted,



Robert Curcio
Reg. No. 44,638

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name: Kara Laudano Date: 3/1/02 Signature: 
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